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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

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Office of General Counsel

OGC 81-06043

16 July 1981

Mr. Paul H. Herndon III
Director, Space Management Division
General Services Administration Building
18th & F Street, N.W.
Washington, D.C. 20405

Dear Mr. Herndon:

Re: Memo for National Headquarters, All Federal Agencies, from Commissioner, Office of Space Management, GSA, dated May 22, 1981; Subj: District Court Order Regarding Submission of Employee Parking Fee Information

Reference requests all Federal agencies to provide the name of each Federal employee or former employee who paid for parking at Agency facilities since 1 November 1979, the rate used to charge for such parking space, and the total amount paid by each individual. Included with reference was an attachment which sets forth the format for submission of the above information.

Due to national security constraints, the Central Intelligence Agency will not be able to comply in the specific manner requested. The public disclosure of the names of Agency employees is of great concern to the Director of Central Intelligence and has been statutorily recognized in section 50 U.S.C. 403g which provides that:

In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5 [now repealed], and the provisions of any other law which require the publication or disclosure of organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.

In view of the potential conflict between the court order and our statutory authority, we sought the advice of Mr. David Shapiro,

Mr. Paul H. Herndon III
Washington, D.C. 20405

the Assistant United States Attorney assigned to the case. We advised Mr. Shapiro that it would be impossible for us to comply with the court's order as you requested, but that we could provide an aggregate total of the number of employees who paid for parking and the amount of money collected. Resource information used to prepare this data would, of course, be available at the Agency should a decision require the actual distribution of a refund.

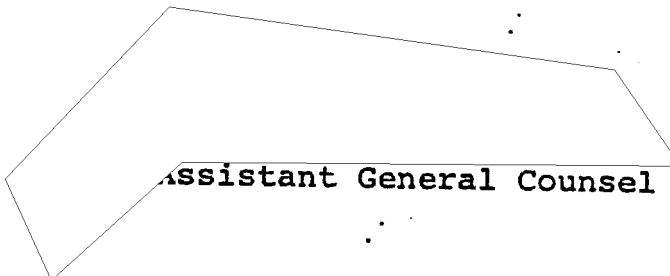
Mr. Shapiro agreed to our suggested reply to your letter under the conditions noted. Accordingly, the enclosed document reflects our compliance with your May 22, 1981 memorandum as modified by our agreement with Mr. Shapiro. We have advised Mr. Shapiro that we are prepared to furnish appropriate affidavits or otherwise justify our position to the court should such action be necessary or advisable.

If you have any questions concerning our submission, please feel free to contact the undersigned at

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Sincerely,

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Assistant General Counsel

Enclosure

cc: D. Shapiro, AUSA, w/enc.
AC/P&RG/CCS, w/enc
DC/P&PS/OL, w/enc
C/LOG/ICS, w/enc
C/LOG/NPIC, w/enc
C/LOG/OTS, w/enc
D/L/w/enc

Agency Contact

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CENTRAL INTELLIGENCE AGENCY

EMPLOYEE PARKING CLAIMS

Building Identification

Name of Employee

Amount Claimed

All facilities

Total:

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